

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JOGAAK D. JOGAAK,  Plaintiff,  vs.  STEVEN GRASZ, Judge Grasz, in his official capacity; STEVEN COLLOTON, Judge Colloton, in his official capacity; RALPH ERICKSON, Judge Erickson, in his official capacity,  Defendants.	4:22-CV-04090-LLP  ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE
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Plaintiff, Jogaak D. Jogaak, an inmate at the South Dakota State Penitentiary, filed a pro se lawsuit under 28 § U.S.C. § 1331 and *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).<sup>1</sup> Doc. 1. He filed a motion for leave to proceed in forma pauperis and provided a prisoner trust account report. Docs. 3, 4. This Court granted Jogaak's motion to proceed in forma pauperis on July 18, 2022, and required him to pay an initial partial filing fee of \$10.01 by August 15, 2022. Doc. 8. At this time, Jogaak has not paid his initial partial filing fee.

Accordingly, it is ORDERED:

1. That Jogaak's complaint, Doc. 1, is dismissed without prejudice for failure to prosecute.
2. That Jogaak's motion for subpoena, Doc. 12, is denied as moot.
3. That Jogaak's motion for pretrial conference, Doc. 13, is denied as moot.

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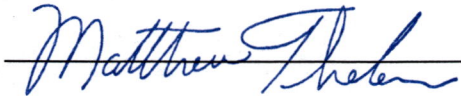
<sup>1</sup> Jogaak initially filed his lawsuit under 42 U.S.C. § 1983. Doc. 1 at 1. He has since filed a "Notice of Harmless Error and Memorandum in Support of Document 10" in which he indicates his desire "to proceed with [his complaint] as a *Bivens* claim against federal officials, as judges. Instead of a 1983." Doc. 17 at 1. Thus, this Court will treat Jogaak's lawsuit as a *Bivens* claim.

4. That Jogaak's motion for consolidation, Doc. 15, is denied as moot.

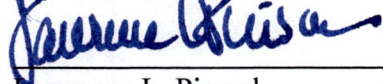
DATED November 21, 2022.

ATTEST:

MATTHEW W. THELEN, CLERK

A handwritten signature in blue ink, reading "Matthew Thelen", written over a horizontal line.

BY THE COURT:

A handwritten signature in blue ink, reading "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol

United States District Judge